



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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PATRIOT Act Hearing Tuesday

Focus: Provisions Aimed at Improving FISA Investigations

What: Oversight Hearing entitled, "Have Sections 204, 207, 214 and 225 of the USA PATRIOT Act, and Sections 6001 and 6002 of the Intelligence Reform and Terrorism Prevention Act of 2004 Improved FISA Investigations?"

Who: Subcommittee on Crime, Terrorism, and Homeland Security – Rep. Howard Coble (R-N.C.), Chairman

When: 10:00 a.m., Tuesday, April 26, 2005

Where: 2141 Rayburn Building

These provisions all are aimed at improving Foreign Intelligence Surveillance Act (FISA) investigations and are scheduled to expire on December 31, 2005 unless Congress reauthorizes them.

BACKGROUND...

- ✓ Section 204 of the PATRIOT Act is a technical clarification that Federal criminal law relating to the use of certain pen registers and trap and trace devices did not affect the use of FISA for intelligence purposes. A pen register gathers out-going telephone or Internet-dialed numbers and a trap and trace gathers incoming numbers.
- ✓ Section 207 extended from 90 days to 120 days the time the government had to carry out surveillance under a FISA court order before seeking an extension. This section also extended the period for physical searches under FISA from 45 days to 90 days.
- ✓ Section 214 codified lawfulness of Court authorized pen register and trap and trace device use for non-content communications over telecommunication technology other than telephone under FISA.
- ✓ Section 225 addressed a loophole by providing similar immunity to anyone who complies with a FISA order for electronic surveillance (wiretap) that is provided in a criminal case.
- ✓ Section 6001 ("lone wolf provision") of last year's Intelligence Reform and Terrorism Prevention Act included language expanding the FISA definition of "agent of a foreign power" to include all non-U.S. persons who engage in international terrorism, regardless of whether they are affiliated with an international terrorist group.
- ✓ Section 6002 provides additional reporting requirements to the House and Senate Judiciary Committees regarding the use of FISA.

WITNESSES: The Honorable Mary Beth Buchanan, U.S. Attorney, Western District of Penn.; Mr. James A. Baker, Counsel for Intelligence Policy, U.S. Dept. of Justice; Ms. Suzanne Spaulding, Managing Director, The Harbour Group, LLC.

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